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1 Plaintiff contends that Andrew Hasbun is within the Court’s subpoena power because he
 2 “splits his time between California and Arizona and resides in both states.” Opp’n at 1. That
 3 contention is inaccurate. Mr. Hasbun moved from Arizona to California in 2023 and resides in San
 4 Francisco. The only in-person contacts he presently has with Arizona are “five short visits per year”
 5 to the state (generally lasting 3-5 days), during which he vacations, meets friends and checks on rental
 6 properties, if needed. Decl. of Andrew Hasbun ¶¶ 4, 6, 7 (“Hasbun Decl.”), Dec. 29, 2025. This
 7 evidence conclusively establishes that Mr. Hasbun resides solely in California. *See Expansion Cap.*
 8 *Grp., LLC v. Patterson*, No. 18-04135 (RAL), 2020 WL 42786, at *2 (D. Del. Jan. 3, 2020) (quashing
 9 subpoena based on affidavit swearing that individual “has resided in Puerto Rico since at least January
 10 2019”). Plaintiff highlights Mr. Hasbun’s testimony that he recently dined with a friend at a restaurant
 11 “down the street from our houses” in Phoenix, Opp’n at 1 (citation omitted), but the fact that Mr.
 12 Hasbun still owns his prior home (which he rents to a tenant full-time, Hasbun Decl. ¶ 9), does not
 13 mean he resides there. *See Planet Fitness Int’l Franchise v. JEG-United, LLC*, 602 F. Supp. 3d 258
 14 (D.N.H. 2022) (“statement in . . . deposition that [witness] has a ‘residence’ in Miami was different
 15 from stating that he was or is a resident of Miami,” particularly in light of declaration swearing that
 16 the property serves as a “vacation property”). Mr. Hasbun’s LinkedIn profile, which identifies San
 17 Francisco as his place of employment, *see* Opp’n at 1, further supports Uber’s position. *See Regents*
 18 *of Univ. of Calif. v. Kohne*, 166 F.R.D. 463, (S.D. Cal. 1996) (“Magistrate would also have been
 19 permitted to infer from” document stating that individual was employed in Illinois that he “resided
 20 over 100 miles . . .”). And while Mr. Hasbun’s Facebook account contains stale information stating
 21 that he “lives in Phoenix,” Ex. B to Opp’n, the account, which has had no activity since 2019, is
 22 outdated and cannot trump his declaration. *See* Hasbun Decl. ¶ 9.

23 The only case Plaintiff cites addressing a subpoena under Rule 45 (*In re Kirkland*) undercuts
 24 her argument. Plaintiff asserts that *In re Kirkland* acknowledged the Advisory Committee’s statement
 25 that a ““primary concern underlying” Rule 45’s ““geographical limitations is unfairly burdening
 26 witnesses with travel[.]”” Opp’n at 2 (citing *In re Kirkland*, 75 F.4th 1030, 1044 (9th Cir. 2023)). But
 27 as the Ninth Circuit made clear, “it is the text of the rules that control, and the [n]otes cannot . . .
 28 change the meaning that the Rules would otherwise bear.” *Kirkland*, 75 F.4th at 1043 (citation

omitted). Because “Rule 45 . . . plainly instructs that courts must ‘quash or modify’ subpoenas that exceed Rule 45(c)’s geographical limits,” *id.* at 1044 (citation omitted), *Kirkland* only reinforces Uber’s argument. Plaintiff also cites a case for the proposition that “[u]nlike domicile, residency does not require ‘an intent to make a fixed and permanent home.’” Opp’n at 1 (citing *Vento v. Dir. Of Virgin Islands Bureau of Internal Revenue*, 715 F.3d 455, 466 (3d Cir. 2013)). But that case addressed whether certain taxpayers were “bona fide residents” of the Virgin Islands under the tax code. *See Vento*, 715 F.3d at 465. To the extent the decision has any relevance to Uber’s motion, it reaffirms that “extensive absences will negate a finding of bona fide residency[.]” *Id.* at 467.

Finally, Mr. Hasbun’s occasional visits to Arizona to visit friends and check on his rental properties do not amount to “regularly transact[ing] business” in that state. *See Jones v. Jasper Wyman & Son*, No. 1:20-cv-00383-JAW, 2022 WL 16820442, at *6 (D. Me. Nov. 8, 2022) (attending “eight meeting[s] per year” does not suffice). Rather, such in-person visits are too “infrequent” to “fit within the meaning of Rule 45[.]” *Perez v. Progenics Pharms., Inc.*, No. 10-CV-08278 LAP, 2015 WL 4111551, at *2 (S.D.N.Y. June 24, 2015).

CONCLUSION

For all of these reasons, the motion to quash should be granted.

DATED: December 29, 2025

Respectfully submitted,

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PROOF OF SERVICE

I hereby certify that on December 29, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Laura Vartain Horn

Laura Vartain Horn